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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,379	11/24/2003	Natalya Rapoport	T5986.PCT.US.B 4634	
20450 ALAN J. HOV	7590 10/01/2007 V A R T H		EXAMINER	
P.O. BOX 190	9		WEBMAN, EDWARD J	
SANDY, UT 84091-1909			ART UNIT	PAPER NUMBER
			1616	
			MAIL DATE	DELIVERY MODE
			10/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)	
Office Action Summary		10/722,379	RAPOPORT, NATALYA	
		Examiner	Art Unit	
		Edward J. Webman	1616	
 Period for	The MAILING DATE of this communication app	ears on the cover sheet with the o	correspondence address	
A SHO WHICH - Extens after SI - If NO p - Failure Any rep	RTENED STATUTORY PERIOD FOR REPLY ALEVER IS LONGER, FROM THE MAILING DATE ions of time may be available under the provisions of 37 CFR 1.13 (6) MONTHS from the mailing date of this communication. eriod for reply is specified above, the maximum statutory period we to reply within the set or extended period for reply will, by statute, ply received by the Office later than three months after the mailing patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tir vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).	
Status				
2a)	Responsive to communication(s) filed on <u>24 Northing</u> This action is FINAL . 2b) This Since this application is in condition for alloward allowed in accordance with the practice under E	action is non-final. nce except for formal matters, pro		
Dispositio	n of Claims			
5)	Claim(s) 1-20 is/are pending in the application. a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) 1-20 are subject to restriction and/or expressions.	vn from consideration.		
Applicatio	n Papers			
9)	he specification is objected to by the Examiner the drawing(s) filed on is/are: a) accessplicant may not request that any objection to the deplacement drawing sheet(s) including the correction on the oath or declaration is objected to by the Examine	epted or b) objected to by the l drawing(s) be held in abeyance. Sec on is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).	
Priority un	der 35 U.S.C. § 119			
12)	cknowledgment is made of a claim for foreign	s have been received. s have been received in Applicati ity documents have been receive (PCT Rule 17.2(a)).	on No ed in this National Stage	
Attachment(s	s)			
2) D Notice (3) Informa	of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO-948) tion Disclosure Statement(s) (PTO/SB/08) No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	nte	

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Claims 1-12, drawn to a method of using, classified in class 514, subclass
 34.

II. Claims 16-20, drawn to 13-14, classified in class 424, subclass 454.

The inventions are independent or distinct, each from the other because:

Inventions II and I are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the process for using the product as claimed can be practiced with another materially different product such as a hydrophobic solvent.

Claim 2-8 (exemplary) is generic to the following disclosed patentably distinct species: polymers. The species are independent or distinct because each polymer has a distinct structure which imparts distinct chemical and/or physical properties. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

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The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder.

All claims directed to a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.

In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product are found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product claim will not be rejoined. See MPEP § 821.04(b). Additionally, in order to retain the right to rejoinder in accordance with the above policy, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product claims. Failure to do so may result in a loss of the right to rejoinder. Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

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A phone restriction was not attempted in view of the complexity of the requirement.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Webman whose telephone number is 571-272-0633. The examiner can normally be reached on M-F from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Richter, can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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